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9 **BEFORE THE**
BOARD OF REGISTERED NURSING
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. *2013-746*

13 **JAN JOEL DATERMAN**
14 **4376 West Point Loma Boulevard Apt. C**
San Diego, CA 92107

A C C U S A T I O N

15 **Registered Nurse License No. 428667**

16 Respondent.

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18 Complainant alleges:

19 **PARTIES**

20 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her
21 official capacity as the Executive Officer of the Board of Registered Nursing, Department of
22 Consumer Affairs.

23 2. On August 31, 1988, the Board of Registered Nursing issued Registered Nurse
24 License Number 428667 to Jan Joel Daterman (Respondent). The Registered Nurse License
25 expired on October 31, 2009, and has not been renewed.

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JURISDICTION

3. This Accusation is brought before the Board of Registered Nursing (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

4. Section 2750 of the Business and Professions Code (Code) provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

5. Section 2764 of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under section 2811, subdivision (b) of the Code, the Board may renew an expired license at any time within eight years after the expiration.

STATUTORY PROVISIONS

6. Section 2761 of the Code states:

The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

(a) Unprofessional conduct, which includes, but is not limited to, the following:

....

(4) Denial of licensure, revocation, suspension, restriction, or any other disciplinary action against a health care professional license or certificate by another state or territory of the United States, by any other government agency, or by another California health care professional licensing board. A certified copy of the decision or judgment shall be conclusive evidence of that action.

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COST RECOVERY

7. Section 125.3 of the Code provides, in pertinent part, that the Board may request the administrative law judge to direct a licensee found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

1 FIRST CAUSE FOR DISCIPLINE

2 (Out of State Discipline)

3 8. Respondent has subjected his Registered Nurse License to disciplinary action
4 under Code section 2761, subdivision (a)(4), in that his Multistate Licensure Compact Privilege
5 Associated With Colorado Registered Nurse License Number 187412, previously issued in the
6 name of Jan Joel Daterman, was disciplined by the State of North Carolina Board of Nursing
7 (North Carolina Board) in a disciplinary action, which resulted in Respondent's registered nurse
8 privilege to practice as granted through the nurse licensure compact to be **REVOKED** and for
9 Respondent to be ordered to **IMMEDIATELY CEASE AND DESIST** from the practice of
10 nursing in North Carolina for violation of the North Carolina Nursing Practice Act. The
11 circumstances are as follows.

12 9. Respondent is a Registered Nurse holding a Multistate Licensure Compact
13 Privilege Associated with the State of Colorado Registered Nurse License Number 187412,
14 which was in current status and in full force and effect at all times relevant to the charges
15 brought and expired on September 30, 2012. Corollary to agreeing to work under the privilege to
16 practice as granted through the Nurse Licensure Compact, Respondent agreed to comply with all
17 laws, rules, and regulations of practice promulgated by the Board's of the party states in which
18 he chose to practice.

19 10. On September 26, 2011, the North Carolina Board took disciplinary action against
20 Respondent's multistate licensure compact privilege associated with the State of Colorado
21 registered nurse license by issuing an Order to Revoke Privilege to Practice pursuant to Article
22 9A, Chapter 90 and Article 3A, Chapter 150B-38 of the General Statutes of North Carolina
23 (GSNC), in a matter entitled, *In the Matter of Jan Joel Daterman, RN Certificate Number*
24 *187412*. The North Carolina Board found Respondent in violation of GSNC section 90-171.37,
25 subdivision (6), subdivision (7), subdivision (8) and as further identified in Regulation 21 of the
26 North Carolina Administrative Code (NCAC) section 36.0217, subdivision (c)(1). Hence, the
27 Board could not assure that Respondent is safe and competent to practice nursing if he is not

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1 appropriately monitored. Respondent failed to follow through with the North Carolina Board
2 staff in an attempt to be entered into one of the Board's drug monitoring programs.

3 11. The facts that led to the charges are that on July 14, 2011, Respondent submitted
4 to a pre-employment urine drug screen as part of the employment process of the Carolinas
5 Medical Center in Charlotte, North Carolina, where he was to begin working on his privilege to
6 practice as granted through the Nurse Licensure Compact. Respondent tested positive for
7 cocaine, a Schedule I Controlled Substance as classified in the North Carolina Controlled
8 Substances Act (NCCSA). In May 2004, the North Carolina Board initiated programs for those
9 persons who tested positive for an illicit drug, identified as any drug found in Schedules I or VI
10 of the NCCSA or any drug for which a licensee could not provide a legitimate prescription of
11 their own. On August 18, 2011, the Board requested Respondent to return a call by August 22,
12 2011. On August 23, 2011, due to his failure to respond, the Board sent Respondent a letter by
13 certified mail scheduling an appointment for September 13, 2011. On August 30, 2011,
14 Respondent called the Board to confirm appearance on the scheduled appointment. On
15 September 13, 2011, Respondent failed to appear for the appointment and has neither returned
16 telephone calls nor thereafter initiated further contacts.

17 **SECOND CAUSE FOR DISCIPLINE**

18 **(Out of State Discipline)**

19 12. Respondent has subjected his Registered Nurse License to disciplinary action
20 under Code section 2761, subdivision (a)(4), in that his license to practice nursing in Colorado
21 was disciplined by the State of Colorado Board of Nursing (Colorado Board) in a disciplinary
22 action, which resulted in Respondent being admonished, which became a permanent public
23 portion of Respondent's record. The circumstances are as follows:

24 13. The Colorado Board issued license number 187412 to Respondent to practice as a
25 registered nurse in Colorado. Respondent's license was in current status and in full force and
26 effect at all times relevant to the charges brought and expired on September 30, 2012.

27 14. On January 30, 2012, the State of Colorado, Department of Regulatory Agencies,
28 Division of Professions and Occupations, Board of Nursing (Colorado Board) took disciplinary

1 action against Respondent's registered nurse license in a matter entitled, *Re: RN License*
2 *Number: 187412 Case Number: 2012-001415*, by publishing a Letter of Admonition against him
3 under the Nurse Practice Act; for unprofessional conduct under Colorado Revised Statutes (CRS)
4 section 12-38-117, subdivision (1)(d), for having had a license to practice nursing or any other
5 health care occupation suspended or revoked in any jurisdiction; subdivision (1)(t), for having
6 been disciplined by another state, territory, or country based upon an act or omission that is
7 substantially the same as a ground for discipline; and subdivision (1)(u), for willfully failing to
8 respond in a materially factual and timely manner to a complaint issued pursuant to CRS section
9 12-38-116.5, subdivision (3). Respondent was warned that any complaint disclosing a repetition
10 of such conduct or any other violation of the Nurse Practice Act, specifically CRS section 12-38-
11 117, subdivision (1), may lead to more serious discipline.

12 15. The facts that led to the discipline action are set forth in paragraphs 8 to 11,
13 above, which are incorporated by reference.

14 16. On December 28, 2011, Inquiry Panel A of the Colorado Board met and
15 considered Respondent's actions prior to commencing his employment at the Carolinas Medical
16 Center. The Board determined that its investigation discloses an instance of misconduct that does
17 not warrant a formal action, but that should not be dismissed as being without merit.

18 PRAYER

19 WHEREFORE, Complainant requests that a hearing be held on the matters herein
20 alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

21 1. Revoking or suspending Registered Nurse License Number 428667, issued to Jan
22 Joel Daterman;

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1 2. Ordering Jan Joel Daterman to pay the Board of Registered Nursing the
2 reasonable costs of the investigation and enforcement of this case, pursuant to Business and
3 Professions Code section 125.3;

4 3. Taking such other and further action as deemed necessary and proper.
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8 DATED:

March 13, 2013


for

LOUISE R. BAILEY, M.ED., RN
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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